

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: 10-CV-4186 (SRN/FLN)**

Cathleen Poechmann on behalf of herself and
all others in similar situations,

Plaintiff,

v.

Alerus Financial, National Association,

Defendant.

ORDER

Thomas J. Lyons, Lyons Law Firm, P.A., 367 Commerce Court, Vadnais Heights, Minnesota 55127; Stacy M. Bardo & Lance A. Raphael, The Consumer Advocacy Center, PC, 180 West Washington Street, Suite 700, Chicago, Illinois 60602, for Plaintiff

Shari L.J. Aberle, James K. Langdon & Kenneth J. Connelly, Dorsey & Whitney, LLP, 50 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, for Defendant

FINAL APPROVAL ORDER AND JUDGMENT

This matter comes before the Court on Plaintiff's Motion for Final Approval of Class Action Settlement and the Plaintiff's Representative Award [Doc. No. 39]. Having considered the arguments and papers submitted to the Court and proceedings to date,

THE COURT FINDS AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of this Lawsuit, the Class Representative, the Class Members and Defendant;
2. Notice was given to the Settlement Class as set forth in the Settlement Agreement;

3. The dissemination of Notice, as provided for in the Preliminary Approval Order and the Settlement Agreement, constituted the best practicable notice under the circumstances to all Class Members and fully met the requirements of Fed. R. Civ. P. 23, any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law;

4. 0 Members of the Settlement Class opted out of the Settlement Agreement;

5. 0 Members of the Settlement Class objected to the Settlement Agreement;

6. The Settlement Agreement is fair, reasonable and adequate.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

7. That all defined terms contained herein shall have the same meanings as set forth in the Settlement Agreement;

8. That the Settlement Agreement is finally approved and the Parties shall implement it pursuant to its terms;

9. That, except as to any person who has timely and effectively requested exclusion from the Settlement Agreement, the Court hereby dismisses with prejudice this Lawsuit, all claims contained therein and all Released Claims and, in accordance with Rule 54(b) of the Federal Rules of Civil Procedure, finds that there is no just reason for delay, and orders the entry of a Final Judgment;

10. That this Court reserves exclusive and continuing jurisdiction and venue with respect to the consummation, implementation, enforcement, construction, interpretation, performance and administration of the Settlement Agreement or Judgment;

11. That this Court finds an award of \$2,000.00 to Plaintiff as representative of the Alerus Settlement Class to be fair and reasonable;

12. That this Court finds an award of \$ **87,163.39** in attorneys' fees and costs is fair and reasonable, based upon a review of Class Counsel's certifications and that otherwise, the Parties are to bear their own attorneys' fees and costs;

13. That this Court bars and permanently enjoins all Class Members, except any person who timely and effectively requested exclusion from the Settlement Agreement, from instituting or prosecuting any action or proceeding, whether class or individual, against Defendant for liability based upon the Released Claims; and

14. Plaintiff's Motion for Final Approval of Class Action Settlement and the Plaintiff's Representative Award [Doc. No. 39] is **GRANTED**, consistent with this Order.

SO ORDERED this 30th day of January, 2012.

s/Susan Richard Nelson
SUSAN RICHARD NELSON
UNITED STATES DISTRICT JUDGE